

PROB12A1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

REPORT OF OFFENDER NON-COMPLIANCE

Offender Name: Daniel Ray LAJOCIES

Docket Number: 2:02CR00306-01

Offender Address: Modesto, California

Judicial Officer: Honorable John A. Mendez
United States District Judge
Sacramento, California

Original Sentence Date: 07/15/2004

Original Offense: 18 USC 922(g)(1) - Felon in Possession of a Firearm
(CLASS C FELONY)

Original Sentence: 57 months custody of the Bureau of Prisons; 36 month term
of supervised release; \$100 special assessment.

Special Conditions: Submit to search; Drug/alcohol treatment and testing; Abstain
from alcohol; Aftercare co-payment.

Type of Supervision: Supervised release

Supervision Commenced: 03/19/2007

Assistant U.S. Attorney: Matthew C. Stegman **Telephone:** (916) 554-2700

Defense Attorney: Philip A. Schnayerson **Telephone:** (510) 887-7445
(Retained)

Other Court Action: None

RE: Daniel Ray LAJOCIES
Docket Number: 2:02CR00306-01
REPORT OF OFFENDER NON-COMPLIANCE

NON-COMPLIANCE SUMMARY

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

1. NEW LAW VIOLATION

Details of alleged non-compliance: On September 21, 2008, Mr. Lajocies was arrested by the California Highway Patrol after an officer determined he was operating a motor vehicle while under the influence of alcohol. At the time of his arrest, Mr. Lajocies' blood alcohol level was determined to be .17, .22, and .21. The case was ultimately filed under Stanislaus County Superior Court Docket Number 1252230. On October 23, 2008, Mr. Lajocies pled guilty to a single-count of 23152(a) VC - Driving While Under the Influence of Alcohol and was immediately sentenced to a three-year term of informal probation, ordered to serve 10 days in jail, and pay \$1,730 in fines.

United States Probation Officer Plan/Justification: Mr. Lajocies' three-year term of supervised release began on March 19, 2007. Although Mr. Lajocies' overall adjustment on supervised release cannot be described as exemplary, he continues to follow the directions of the probation officer and actively participate in The Turning Point Aftercare Drug and Alcohol Program.

As outlined in the presentence report, Mr. Lajocies also has four prior convictions for operating a motor vehicle while under the influence of alcohol, all occurring prior to 1987. Although his continued operation of a motor vehicle while under the influence of alcohol is considered serious, it is also noted, the most recent of the four prior alcohol-related convictions occurred more than 20 years ago.

Further, immediately following the above-noted incident, Mr. Lajocies contacted the undersigned and took full responsibility for his unlawful conduct. Moreover, he has accepted responsibility

RE: Daniel Ray LAJOCIES
Docket Number: 2:02CR00306-01
REPORT OF OFFENDER NON-COMPLIANCE

before the superior court, and as of March 6, 2009, has successfully completed the Safety Center, Inc. (Level I) Drug and Alcohol Program.

Following the above-noted incident, Mr. Lajocies was directed to begin participating in The Turning Point Aftercare Program on October 16, 2008, where he continues to regularly participate in both outpatient counseling and random urinalysis testing.

It is respectfully recommended the Court take judicial notice of the above-noted violation conduct with no further action being taken by the Court. Mr. Lajocies has been notified should he continue to violate the conditions of his supervision, revocation proceedings will be initiated.

Respectfully submitted,

/s/ Phil R. Hendley, Jr.

Phil R. Hendley, Jr.
United States Probation Officer
Telephone: (209) 574-9429

DATED: June 30, 2009
Modesto, California
PRH/lr

REVIEWED BY: /s/ Deborah A. Spencer
Deborah A. Spencer
Supervising United States Probation Officer

RE: Daniel Ray LAJOCIES
Docket Number: 2:02CR00306-01
REPORT OF OFFENDER NON-COMPLIANCE

THE COURT ORDERS:

- (X) The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.
- () Submit a Request for Modifying the Conditions or Term of Supervision.
- () Submit a Request for Warrant or Summons.
- () Other:

July 2, 2009
Date

/s/ John A. Mendez
Signature of Judicial Officer

cc: United States Probation
Matthew C. Stegman, Assistant United States Attorney
Philip A. Schnayerson, Defense Counsel (retained)
225 West Winton, Suite 208
Hayward, California 94544